

PLANNING



To: Planning & Zoning Commission

Item No. 4

From: David Soto, Planning Manager

Re: Planning & Zoning Commission Meeting – June 20, 2023

Agenda Item:

Conduct a Public Hearing, and consider and act upon a request to rezone 34.7± acres from Commercial District (C) to a new Planned Development for Mixed Use, located northside of Prosper Trail and west of Dallas Parkway. (Z22-0019)

History:

The applicant has submitted a request for rezoning on November 7th, 2022. There have been multiple discussions with Town Council, Planning & Zoning Commissioners, and Town Staff. Since then, the applicant has revised the following (See Attachment 9):

1. The applicant has created a trigger that requires all the townhomes in the neighborhood sub-district to have certificate of occupancy prior to commencing any work with the highway sub-district. In addition, one retail building shall complete slab construction prior to commencing any other work in Highway Subdistrict. Further, Street Section D, as shown on Exhibit D.3, shall be built with Block D, Lots 1 and 2.
2. A property owner's association (POA) shall be approved by town staff.
3. Created separate definitions and requirements on apartments and condominiums.
4. Revised the required percentage from 15% to 100% of non-residential on the first floor within the highway subdistrict and specifically requires retail uses to encourage vibrant uses within the mixed-use development.
5. Apartment buildings shall have a setback of 250 feet from the Dallas North Tollway.
6. Uses and standards in conformance with Dallas North Tollways Design Guidelines
7. The applicant reduces the density from 830 units to 730 units and specifically calls out allowance on apartments and condominiums (for sale product).
8. Minimum heights for certain uses
9. Provided architectural standards and design guidelines.
10. Minimum and maximum density for Townhomes

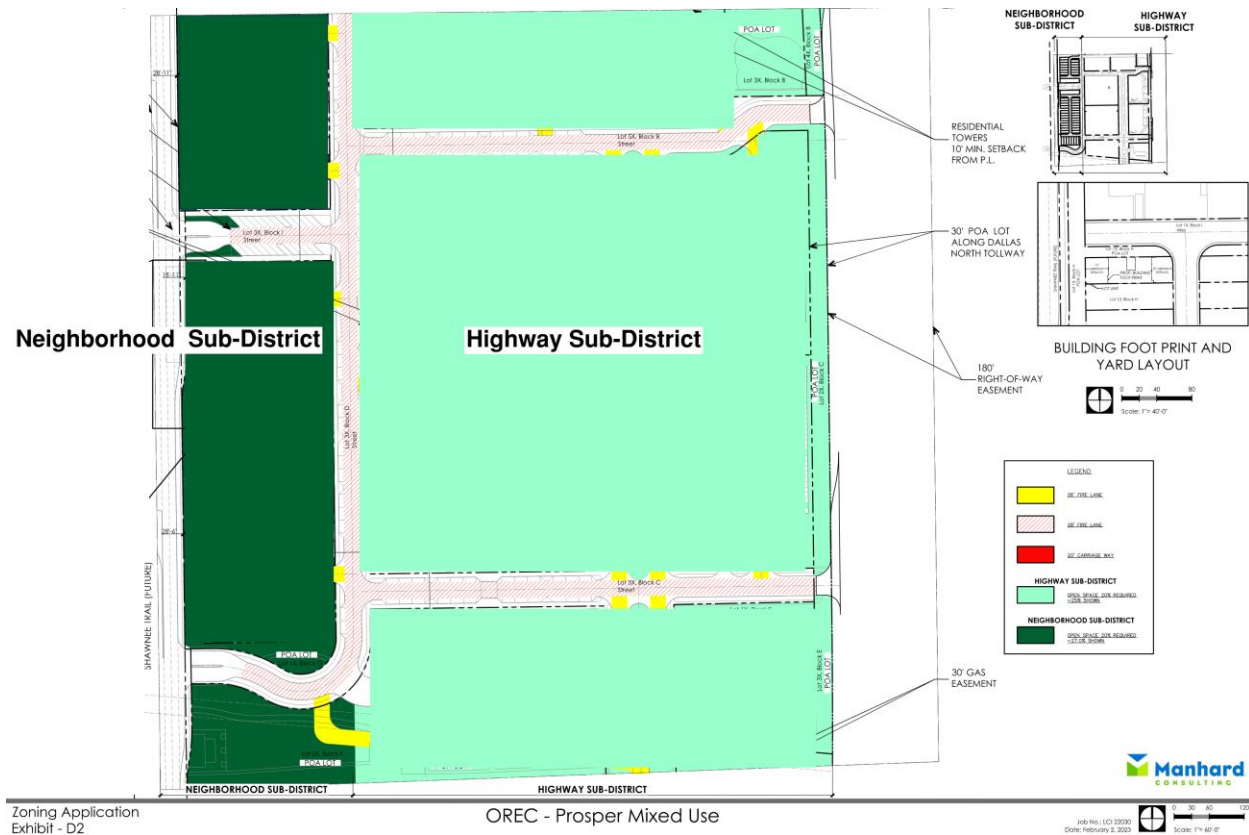
Description of Agenda Item:

The zoning and land use of the surrounding properties are as follows:

	Zoning	Current Land Use	Future Land Use Plan
Subject Property	Commercial District (C)	Undeveloped	Dallas North Tollway District
North	Commercial Corridor District (CC)	Undeveloped	Dallas North Tollway District
East	Commercial Corridor District (CC)	Undeveloped	Dallas North Tollway District
South	Commercial Corridor District (CC)	Undeveloped	Dallas North Tollway District
West	Planned Development-36 (PD36)	Single Family Residential (Legacy Garden)	Medium Density Residential

Requested Zoning

The purpose of this request is to rezone Commercial District (C) to a new Planned Development for Mixed Use. The applicant is proposing a mixed used development with 2 sub-districts as shown below. The proposed sub-districts are neighborhood and highway sub-districts.



The neighborhood sub-district (9± acres) is to provide for a variety of developments in a suburban type setting which will provide residential units and supporting retail space. The subdistrict is adjacent to Shawnee Trail is acting as a buffer and transition toward the residential across Shawnee with less intense uses, additional setbacks and reduced height.

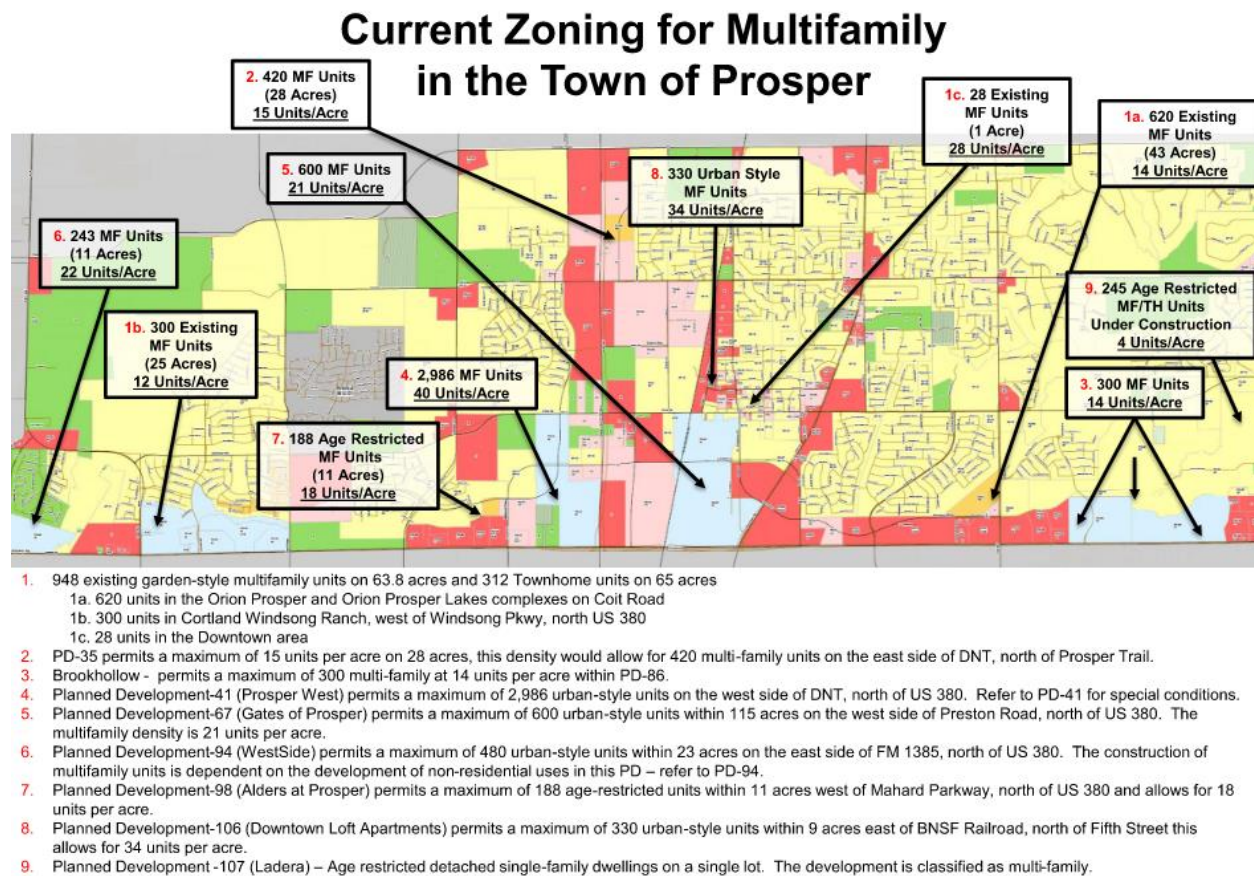
The highway sub-district (25± acres) is to encourage the creation of a pedestrian-oriented, vertically integrated, mixed-use, urban environment, providing shopping, employment, housing, business, and personal services. This sub-district promotes an efficient, compact land use pattern; encouraging pedestrian activity; reducing the reliance on private automobiles within the district; promoting a functional and attractive community using urban design principles; and allowing developers flexibility in land use and site design.

Many of the development standards, located in Exhibit C, conform to the Town's Zoning Ordinance. Due to the proposed development's unique design and the property being located along the Dallas North Tollway, the applicant is proposing detailed development and design standards, some of which deviate from the Zoning Ordinance. The applicant has made some recent modifications that include triggers, multifamily units/ condominiums specifications, mixed use details, a list of prohibited uses, and other minor modifications.

The proposed standards that are unique to the property are summarized below and does not contain all standards:

High Density Residential Development – The highway sub-district is proposing to have a maximum allowance of 730 units through the highway sub-district. Seventy-five percent (75%) (No more than 500 units) of allowed residential units shall be developed as apartments and the other twenty-five percent (25%) (No more than 230 units) of allowed residential units shall be developed as condominiums (for sale products). The first-floor square footage of the Highway Subdistrict shall be used for non-residential uses. A minimum of 50% of the first-floor square footage of all buildings containing residential units (Apartments) shall be used for retail uses. A minimum of 25% of the first floor of an office and hotel use building shall be used for retail uses.

Town-wide Multi-family Units - In addition, there are currently 6,260 multifamily units entitled through zoning approvals in the Town (please see map below). With this development, the total multifamily units would increase to 6,990 multifamily units. See map of entitled units below.



Triggers – The applicant has proposed the following triggers:

- The development of the entire townhomes (at least 42 townhome units) in the Neighborhood Sub-District will have certificates of occupancy prior to commencing work within the Highway Sub-District.
- The development of one minimum retail building as identified on Exhibit D.2 as either Lot 4 or Lot 2, Block 1 shall have completed slab construction prior to commencing any other work in Highway Subdistrict.
- Street Section D, as shown on Exhibit D.3, shall be built with Block D, Lots 1 and 2.

Building Height – The maximum building height allowed by the Zoning Ordinance is two (2) stories in the Commercial District. However, the Dallas North Tollway Design Guidelines allows up to twelve (12) stories along the tollway. The applicant is proposing twelve (12) stories for the highway sub-district and the maximum height for the neighborhood subdistrict is three stories or thirty-five feet (35') for townhomes and three stories or forty-five feet (45') for commercial development. The applicant has proposed minimum building height by use type:

- a. Office: four (4) story.
- b. Multifamily
 - i. Apartments: four (4) story.
 - ii. Condominiums: four (4) story.
- c. Hotel: four (4) story
- d. Retail: one (1) story.

Building Materials – The approved primary exterior building materials for multifamily and non-residential development in the Zoning Ordinance are clay fired brick, natural and manufactured stone, granite, marble, and stucco. The use of stucco and EIFS are only permitted as secondary or accent materials.

The applicant is proposing materials such as brick, natural and manufactured stone, curtain wall and window wall glazing, and cementitious panel system shall be considered primary materials. Primary materials shall comprise of at least seventy-five percent (75%) of each elevation, exclusive of doors and windows. Where cementitious panel is applied, it shall be limited to no more than 50% of a building's material. Non-primary, or secondary materials, may include stucco and metal panel systems.

Where Multifamily is concerned, primary materials shall be limited to brick, natural and manufactured stone, and cementitious panel system.

Below are conceptual renderings of the development. The applicant will enter into a development agreement.



Building Setbacks – Many of the building setbacks in the highway and neighborhood sub-districts have been reduced or removed in order to allow the proposed mixed-use development to conform to Exhibit D. The 25-foot and 30-foot landscape setbacks from the adjacent minor and

major thoroughfares remain the same and conform to the Zoning Ordinance/Dallas North Tollway Design Guidelines. The building setbacks in the neighborhood sub-district reflect the typical “suburban” setting of the townhomes and commercial development. Any development with on-street parking, a build to line shall be required. All apartment buildings shall have a setback of 250’ from the Dallas North Tollway. The purpose of this provision is to screen the apartment buildings with office buildings from the Dallas North Tollway.

Design Guidelines – The applicant is proposing specific design guidelines to address the pedestrian-oriented mixed-use development in the highway and neighborhood sub-districts. The design guidelines add to the development standards and address design principles, site design, building design, public realm design, and streetscapes.

Parking Standards – Due to the urban/walkable setting, the applicant is proposing a mixed-use reduction of 20% shall be applied to the overall development except for townhomes. Staff understands that the applicant is proposing a live/work/play environment so has no issues with the parking reduction. The applicant has also requested a shared parking within the entire Planned Development excluding the townhomes.

Landscaping - The applicant is proposing specific design guidelines to address the pedestrian-oriented mixed-use development in the sub-districts. The applicant has also incorporated Dallas North Tollway Guidelines within the development standards. These standards include the following, but not limited to:

- One (1) large tree, four (4) inch caliper minimum (at the time of planting) per twenty-five (25) feet of linear roadway frontage shall be planted within the required landscaped area.
- The trees may be planted in groups with appropriate spacing for species.
- Shrub plantings shall be provided at a minimum rate of 22 shrub plantings per thirty (30) linear feet which shall be a minimum of five (5) gallon shrubs (at the time of planting).
- Parking abutting the landscaped area will be screened from the adjacent roadway. The required screening may be with shrubs or earthen berms.
- All landscaped areas shall be protected by a raised six (6) inch concrete curb. Pavement shall not be placed closer than four (4) feet from the trunk of a tree unless a Town approved root barrier is utilized.
- Landscaped islands shall be located at the terminus of all parking rows, except for on-street parking, and shall contain at least one (1) large tree, three (3) inch caliper minimum, with no more than fifteen (15) parking spaces permitted in a continuous row without being interrupted by a landscape island.
- Landscaped islands shall be a minimum of one hundred sixty (160) square feet, not less than nine (9) feet wide, measured from the inside face of curb, and a length equal to the abutting space.
- All above grade utilities and trash enclosures in landscape areas shall be screened with evergreen plant material.

Open Space - Per our zoning ordinance, 20% open space is required for Townhomes, 7% for non-residential, and 30% for multifamily use. Due to the unique design of the development, the applicant is proposing minimum 20% which includes landscape easements, setbacks, public plazas, and detention ponds.

Comparison Table regarding Major development standards.

Below is a comparison table outlining the proposed development standards that deviate from the minimum standard per the zoning ordinance.

	Town of Prosper	NEW PD
Maximum Permitted Density for Multi-Family:	MF District: 370 MF units allowed based on a standard MF zoning. (15 units per acre.)	Density shall not exceed 730 MF. (29 units per acre)
Maximum Permitted Density for Townhomes:	TH District: 90 TH units allowed based on a standard TH zoning. (10 units per acre.)	Maximum density shall not exceed 60 TH units. (6.6 units per acre)
Maximum Height:	Commercial District: Two stories, no greater than 40 feet. Dallas North Tollway Design Guidelines and Comprehensive Plan: Up to 12 Stories	Highway Subdistrict <ul style="list-style-type: none"> • 12 stories Neighborhood Subdistrict <ul style="list-style-type: none"> • Townhomes <ul style="list-style-type: none"> ○ Thirty-Five (35) feet, three (3) stories. • Commercial <ul style="list-style-type: none"> ○ Forty-five (45) Feet or three (3) stories
Building Material	100 percent masonry as defined in Chapter 3, Section 2. The use of stucco and EIFS are only permitted as secondary or accent materials.	<ul style="list-style-type: none"> • Materials such as brick, natural and manufactured stone, curtain wall and window wall glazing, and cementitious panel system shall be considered primary materials. Primary materials shall comprise of at least seventy-five percent (75%) of each elevation, exclusive of doors and windows. Where cementitious panel is applied, it shall be limited to no more than 50% of a building's material. Non-primary, or secondary materials, may include stucco and metal panel systems.
Parking requirements	3,861 minimum parking spaces required based on the use.	A mixed-use reduction of 20% shall applied to the overall development, except for townhomes. 3,204 are being proposed.

Future Land Use Plan – The Future Land Use Plan recommends Dallas North Tollway District.

Dallas North Tollway District

The Dallas North Tollway district will consist of the most intense land uses within Prosper. A diverse mixture of office, retail and residential will likely develop along the corridor. Mid-rise office (up to 12 stories) may be permitted throughout the corridor. Office buildings should be designed for a “campus feel”—they should be oriented towards common public space with significant landscaping and should be linked by a pedestrian network. A common architectural theme should also be established for a consistent visual appearance. Mixed-use development should be encouraged and should contain a mixture of office, retail and residential uses. Mixed-use lofts/apartments would be the most appropriate residential use within this district. Structured parking should be encouraged in more intense areas to limit the presence and visibility of large parking lots. Structured parking should be oriented in a way that minimizes visibility from the Tollway.



2022 Dallas North Tollway Design Guidelines –

- The Dallas North Tollway is a primary thoroughfare within the Town of Prosper and one of the most heavily traveled roadways in North Texas. It is recognized that the Dallas North Tollway will serve as a significant opportunity for economic development and a sustainable tax base for the Town. The Comprehensive Plan identified the Dallas North Tollway as a future location for the Town’s most intense land uses. The purpose of these design guidelines is to provide direction on land use and design for future development that the Town of Prosper envisions on the Dallas North Tollway. Design guidelines define the qualities of building and site design that make successful projects and are tools for guiding projects to positive development outcomes.
- Per the guideline, “Multi-family Developments - The Town Council may permit a multi-family housing as part of a wholistic development that includes a combination of businesses designed to create a live, work and play environment. These businesses can be, but are not limited, retail, office, recreational, family-friend entertainment and/or restaurant establishments. If multi-family housing is part of a development proposal that includes businesses and/or amenities described in Section F. “Business Establishments Pursuant to the Town’s Vision” increased density may be permitted. It is highly recommended that multi-family units be designed with structure parking as opposed to surface parking.”
- The applicant has proposed development standards that are consistent with the Dallas North Tollway Design Guidelines.

Thoroughfare Plan – The property is bounded to the east by the Tollway and west by Shawnee Trail.

Parks Master Plan – The Parks Master Plan does not identify a park on the subject property, at this time.

Legal Obligations and Review:

Zoning is discretionary. Therefore, the Planning & Zoning Commission is not obligated to approve the request. Notification was provided to neighboring property owners as required by state law. To date, staff has received one letter in response to the proposed zoning request.

Attached Documents:

1. Aerial and Zoning Maps
2. Proposed Exhibits
3. Reply Form
4. MF Exhibits
5. Comprehensive Plan MF Design Guidelines
6. Comprehensive Plan Future Land Use Types
7. Dallas North Tollway Design Guidelines
8. Dallas North Tollway Design Guidelines Comparison Chart
9. PZ Comparison Chart

Town Staff Recommendation:

The request to rezone 34.7 ± acres is located north of Prosper Trail and west of the Dallas North Tollway, a major corridor into the Town of Prosper, and aims to create a unique mixed-use development that includes detailed design and development standards. The zoning request allows for the development of a mixed-use development that includes vertical integration of office, retail, and/or high-density residential uses in the same building, an office park, and a neighborhood retail center. There are concerns with the additional multifamily units as per the comprehensive plan. The Dallas North Tollway Design Guidelines expected additional multifamily units along the Dallas North Tollway. Staff is recommending approval because this request follows the design guidelines and will provide innovative opportunities that the Town envisions along the Dallas North Tollway.

Town Council Public Hearing:

Upon a recommendation by the Planning & Zoning Commission, a Public Hearing for this item will be scheduled for the Town Council at their Regular meeting on July 11, 2023.